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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
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12 BLINDLIGHT, LLC,) No. CV 17-3497-JAK (PLAx)
13 Plaintiff,) **ORDER TO SHOW CAUSE**
14 v.)
15 TIMOTHY CUBBISON, et al.,)
16 Defendants.)
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18 On December 1, 2017, plaintiff filed an Ex Parte Application to Shorten Time ("Application"
19 or "App.") (ECF No. 101) for a hearing on plaintiff's Motion to Compel production of documents
20 and further interrogatory responses from defendants ("Motion" or "Mot.") (ECF No. 102).
21 Specifically, plaintiff seeks to compel production of documents mentioned in defendants' Rule 26
22 disclosures that defendants agreed to produce in their responses to plaintiff's Requests for
23 Production numbers 3-7, 12-17, 23-31, 33-40, 42-54, 56-58, 61-65, 66-78, as well as further
24 responses to Interrogatory numbers 4-8. (Mot. at 5-6). Plaintiff submits that in June and July
25 2017 defendants agreed to produce documents responsive to plaintiff's Requests for Documents
26 (Sets One and Two) and Interrogatories (Set One) -- which they indicated in their Rule 26
27 disclosures were in their possession (Mot. Cisko Decl. ¶ 2 Ex. 1) -- once a protective order was in
28 place. (Mot. Cisko Decl. ¶¶ 3-7 Exs. 4-6). Although a Protective Order was issued in this matter

1 on October 11, 2017, defendants have “failed to provide any responsive documents or responses
2 while refusing to meet and confer and merely alleging time and again to Plaintiff’s counsel that
3 they would produce them ‘soon’ and failing to do so.” (App. at 4; Mot. at 4-5; Mot. Ciso Decl. ¶¶
4 8-15). On November 6, 2017, defendants’ counsel represented to plaintiff’s counsel that
5 defendants’ response to plaintiff’s counsel’s November 1, 2017, email would “be ready in another
6 day or two,” but no further response from defendants has been forthcoming. (Mot. Ciso Decl. ¶¶
7 16, 17). Neither have defendants “produced a single document pursuant to Plaintiff’s discovery
8 requests and Defendants own admitted Rule 26 disclosures.” (App. at 7; Mot. Ciso Decl. ¶ 8).
9 Plaintiff seeks to have the Motion heard on shortened time because of defendants’ “blatant
10 disregard of proper discovery protocol” (App. Ciso Decl. ¶ 11) and if plaintiff were to file a properly
11 noticed motion to compel, the earliest date for the hearing would be January 8, 2018, the
12 discovery cut-off date.¹ (App. at 2). Plaintiff also seeks monetary sanctions in the amount of
13 approximately \$9,500. (Mot. at 2, 8-9; Mot. Ciso Decl. ¶ 5).

14 Plaintiff’s counsel states that on December 1, 2017, he notified defendants’ counsel of
15 plaintiff’s intent to submit an ex parte Application for an order to hear the Motion on shortened
16 time, and defendants’ counsel indicated that “he will be producing the documents and responses
17 shortly but will wish to oppose this *ex parte* application.” (Mot. Ciso Decl. ¶ 19).

18 Based on plaintiff’s representation that defendants have failed to produce *any documents*
19 *in this action*, especially in light of the issuance of a Protective Order nearly two months ago and
20 the rapidly-approaching discovery cut-off date, **no later than 12:00 noon on December 5, 2017**,
21 defendants are ordered to show cause:

- 22 (1) why plaintiff’s Application to have the Motion heard on shortened time should not be
23 granted;
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26 ¹ The Court notes that pursuant to the District Judge’s Order Setting Rule 16(b)/26(f)
27 Scheduling Conference, the discovery cut-off date “means the final day for completion of
28 non-expert discovery, including resolution of all discovery motions.”

- 1 (2) why, despite their promises to do so, no documents have been produced responsive
2 to Requests for Production numbers 3-7, 12-17, 23-31, 33-40, 42-54, 56-58, 61-65,
3 66-78, and why supplemental responses to Interrogatory numbers 4-8 have not
4 been provided; and
5 (3) why plaintiff's request for sanctions should not be granted.

6 **It is so ordered.**

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8 DATED: December 4, 2017

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PAUL L. ABRAMS
UNITED STATES MAGISTRATE JUDGE